

SECOND REGULAR SESSION

HOUSE BILL NO. 2293

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TERRY.

3617H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to special administrative boards for unaccredited school districts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 162.081, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.081, to read as follows:

162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited, the state board of education shall, upon a district's initial classification or reclassification as unaccredited:

(1) Review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or

(2) Determine the date the district shall lapse and determine an alternative governing structure for the district.

2. If at the time any school district in this state shall be classified as unaccredited, the department of elementary and secondary education shall conduct at least two public hearings at a location in the unaccredited school district regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may request the attendance of stakeholders and district officials to review the district's plan to return to accredited status, if any; offer technical assistance; and facilitate and coordinate community

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 resources. Such hearings shall be conducted at least twice annually for every year in which
19 the district remains unaccredited or provisionally accredited.

20 3. Upon classification of a district as unaccredited, the state board of education may:

21 (1) Allow continued governance by the existing school district board of education
22 under terms and conditions established by the state board of education; or

23 (2) Lapse the corporate organization of all or part of the unaccredited district and:

24 (a) Appoint a special administrative board for the operation of all or part of the
25 district. If a special administrative board is appointed for the operation of a part of a school
26 district, the state board of education shall determine an equitable apportionment of state and
27 federal aid for the part of the district and the school district shall provide local revenue in
28 proportion to the weighted average daily attendance of the part. The number of members of
29 the special administrative board shall not be less than five, the majority of whom shall be
30 residents of the district. The members of the special administrative board shall reflect the
31 population characteristics of the district and shall collectively possess strong experience in
32 school governance, management and finance, and leadership. The state board of education
33 may appoint members of the district's elected school board to the special administrative
34 board, but members of the elected school board shall not comprise more than forty-nine
35 percent of the special administrative board's membership. Within fourteen days after the
36 appointment by the state board of education, the special administrative board shall organize
37 by the election of a president, vice president, secretary and a treasurer, with their duties and
38 organization as enumerated in section 162.301. The special administrative board shall
39 appoint a superintendent of schools to serve as the chief executive officer of the school
40 district, or a subset of schools, and to have all powers and duties of any other general
41 superintendent of schools in a seven-director school district. Any special administrative
42 board appointed under this section shall be responsible for the operation of the district or part
43 of the district until such time that the district is classified by the state board of education as
44 provisionally accredited for at least two successive academic years, after which time the state
45 board of education ~~may~~ **shall** provide for a transition pursuant to section 162.083; ~~or~~

46 (b) Determine an alternative governing structure for the district including, at a
47 minimum:

48 a. A rationale for the decision to use an alternative form of governance and in the
49 absence of the district's achievement of full accreditation, the state board of education shall
50 review and recertify the alternative form of governance every three years;

51 b. A method for the residents of the district to provide public comment after a stated
52 period of time or upon achievement of specified academic objectives;

53 c. Expectations for progress on academic achievement, which shall include an
54 anticipated time line for the district to reach full accreditation; and

55 d. Annual reports to the general assembly and the governor on the progress towards
56 accreditation of any district that has been declared unaccredited and is placed under an
57 alternative form of governance, including a review of the effectiveness of the alternative
58 governance; ~~[or]~~

59 (c) Attach the territory of the lapsed district to another district or districts for school
60 purposes; or

61 (d) Establish one or more school districts within the territory of the lapsed district,
62 with a governance structure specified by the state board of education, with the option of
63 permitting a district to remain intact for the purposes of assessing, collecting, and distributing
64 property taxes, to be distributed equitably on a weighted average daily attendance basis, but to
65 be divided for operational purposes, which shall take effect sixty days after the adjournment
66 of the regular session of the general assembly next following the state board's decision unless
67 a statute or concurrent resolution is enacted to nullify the state board's decision prior to such
68 effective date.

69 4. If a district remains under continued governance by the school board under
70 subdivision (1) of subsection 3 of this section and either has been unaccredited for three
71 consecutive school years and failed to attain accredited status after the third school year or has
72 been unaccredited for two consecutive school years and the state board of education
73 determines its academic progress is not consistent with attaining accredited status after the
74 third school year, ~~[then]~~ the state board of education shall proceed under subdivision (2) of
75 subsection 3 of this section in the following school year.

76 5. A special administrative board or any other form of governance appointed under
77 this section shall retain the authority granted to a board of education for the operation of the
78 lapsed school district under the laws of the state in effect at the time of the lapse and may
79 enter into contracts with accredited school districts or other education service providers in
80 order to deliver high-quality educational programs to the residents of the district. If a student
81 graduates while attending a school building in the district that is operated under a contract
82 with an accredited school district as specified under this subsection, the student shall receive
83 ~~[his or her]~~ **the student's** diploma from the accredited school district. The authority of the
84 special administrative board or any other form of governance appointed under this section
85 shall expire at the end of the third full school year following its appointment, unless extended
86 by the state board of education. If the lapsed district is reassigned, the governing board prior
87 to lapse shall provide an accounting of all funds, assets and liabilities of the lapsed district and
88 transfer such funds, assets, and liabilities of the lapsed district as determined by the state
89 board of education. Neither the special administrative board nor any other form of
90 governance appointed under this section nor its members or employees shall be deemed to be
91 the state or a state agency for any purpose, including section 105.711~~[,]~~ et seq. The state of

92 Missouri, its agencies and employees shall be absolutely immune from liability for any and
93 all acts or omissions relating to or in any way involving the lapsed district, a special
94 administrative board, any other form of governance appointed under this section, or the
95 members or employees of the lapsed district, a special administrative board, or any other form
96 of governance appointed under this section. Such immunities, and immunity doctrines as
97 exist or may hereafter exist benefitting boards of education, their members and their
98 employees shall be available to the special administrative board or any other form of
99 governance appointed under this section and the members and employees of the special
100 administrative board or any other form of governance appointed under this section.

101 6. Neither the special administrative board nor any other form of governance
102 appointed under this section nor any district or other entity assigned territory, assets or funds
103 from a lapsed district shall be considered a successor entity for the purpose of employment
104 contracts, unemployment compensation payment pursuant to section 288.110, or any other
105 purpose.

106 7. If additional teachers are needed by a district as a result of increased enrollment
107 due to the annexation of territory of a lapsed or dissolved district, such district shall grant an
108 employment interview to any permanent teacher of the lapsed or dissolved district upon the
109 request of such permanent teacher.

110 8. In the event that a school district with an enrollment in excess of five thousand
111 pupils lapses, no school district shall have all or any part of such lapsed school district
112 attached without the approval of the board of the receiving school district.

113 9. If the state board of education reasonably believes that a school district is unlikely
114 to provide for the minimum school term required by section 163.021 because of financial
115 difficulty, the state board of education may, prior to the start of the school term:

116 (1) Allow continued governance by the existing district school board under terms and
117 conditions established by the state board of education; or

118 (2) Lapse the corporate organization of the district and implement one of the options
119 available under subdivision (2) of subsection 3 of this section.

120 10. The provisions of subsection 9 of this section shall not apply to any district solely
121 on the basis of financial difficulty resulting from paying tuition and providing transportation
122 for transfer students under sections 167.895 and 167.898.

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